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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Fisseha Mekuria

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2643

6

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,035

Applicant(s)

MEKURIA, FISSEHA

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwelb et al. (US PAT: 5,950,123, filed 8-26-1996, hereinafter Schwelb) in view of Haavisto (US PAT:6,208,715, PCT Pub. Date: 5-9-1997).

Regarding claim 1, Schwelb teaches a communication system that transmits text messages to mobile terminals, the mobile terminal comprising: a receiver (54, fig. 3) that receives voice and text messages over an RF channel (col. 5 lines 4-7), a text-to-speech (TTS) converter (64, fig. 3) that employs low complexity phonetic TTS algorithm, providing processed data to the TTS converter, wherein processed data comprising a text message is provided to the TTS converter(col. 5 lines 7-31).

Regarding claim 5, Schwelb discloses a method for providing audible output of text messages in a communication system that transmits voice and text messages to mobile terminals, the method comprising: receiving voice and text messages over an RF channel (col. 5 lines 4-7), processing the received message, providing the data to a, (TTS) converter (64, fig. 3), wherein the processed data comprising a text message is provided to the TTS converter wherein the TTS converter employs a low complexity phonetic TTS algorithm (col. 5 lines 7-31).

Schwelb differs from claims 1 and 5 in that although he teaches transceiver (54, fig. 3) for transmitting and receiving radio communications including voice and data to and from a base station 12 (fig. 1, col. 5 lines 4-7), he does not explicitly teach the following: a speech decoder to decode voice, a switch to selectively provide data for speech decoder or message processing.

However, Haavisto discloses method and apparatus for transmitting messages in a telecommunication system, which teaches the following: a speech decoder (120, figs. 1-2) to decode voice, a switch (204, fig. 2) to selectively provide data speech decoder or message processing (col. 1, line 27-line 67, fig. 1; col. 3, line 9-col 4 line 47, figs. 1-2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Schwelb's system to provide for the following: a speech decoder to decode voice, a switch to selectively provide data for speech decoder or message processing as this arrangement would facilitate the user to have the benefit of receiving both voice and text as taught by Haavisto, thus providing the user the advantage of having both text and voice information to suite his convenience.

Schwelb differs from claim 4 in that although he teaches receiving text messages using SMS protocol (col. 5 lines 19-22), he does not teach use of the Global Standard for Mobile communication (GSM).

However, Haavisto teaches use of the Global Standard for Mobile communication (GSM) for receiving voice and text (col. 12 lines 65-66).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Schwelb's system to provide for the following: use of the

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Global Standard for Mobile communication (GSM) for receiving messages as this arrangement would facilitate use one of the well known wireless communication standard for receiving and transmitting messages.

3. Claims 2-3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab in view of Haavisto as applied to claims 1, 5, above, and further in view of Yamanaka et al. (JP 403076356A, hereinafter Yamanaka).

Regarding claims 2-3, the combination does not teach the following: a voice recognition module, a command interpreter module, and a controller that produces text menu messages.

However, Yamanaka discloses human voice recognition portable telephone set, which teaches the following: a voice recognition module (26, fig. 1) a command interpreter module in (2, fig. 1), and a controller (2, fig. 1) that produces text menu messages (for example messages displayed on LCD 22, fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: a voice recognition module, a command interpreter module, and a controller that produces text menu messages as this arrangement would facilitate the user to initiate telephone calls using voice commands after confirming the called party details displayed on a display as taught by Yamanaka.

4. Claims 9 and 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab in view of Haavisto as applied to claim 5 above, and further in view of Ishikura (JP403045057A) .

Regarding claims 9 and 11, the combination does not teach the following: receiving a spoken command, processing the received command with in a voice recognition module to produce a recognized word, matching the recognized word to an associated mobile terminal command, issuing an action corresponding to the mobile terminal command to a command execution block within the mobile terminal, and providing an audible acknowledgement to user upon completion of the command, audible acknowledgement is generated using voice synthesizer connected to the speech decoder.

However, Ishikura discloses vehicle mounted portable telephone set of automatic dial system which teaches the following: receiving a spoken command, processing the received command with in a voice recognition module (11, fig. 3) to produce a recognized word, matching the recognized word to an associated mobile terminal command, issuing an action corresponding to the mobile terminal command to a command execution block within the mobile terminal, and providing an audible acknowledgement to user upon completion of the command, audible acknowledgement is generated using voice synthesizer (16, fig. 3) connected to the speech decoder (reads on 8, fig. 3, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: receiving a spoken command, processing the received command with in a voice recognition module to produce a recognized word, matching the recognized word to an associated mobile terminal command, issuing an action corresponding to the mobile terminal command to

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a command execution block within the mobile terminal, and providing an audible acknowledgement to user upon completion of the command, audible acknowledgement is generated using voice synthesizer connected to the speech decoder as this arrangement would facilitate initiating call and transmission even during driving as taught by Ishikura, thus providing user convenience.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwab in view of Haavisto and Ishikura as applied to claim 9 above, and further in view of Richard et al. (US PAT: 5,924,068, filed 2-4-1997, hereinafter Richard).

The combination differs from claim 10 in that it does not teach the following: audible acknowledgement is generated by TTS converter.

However, Richard teaches the following: audible acknowledgement is generated by TTS converter (figs. 1-2, col. 4 lines 58-64).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: audible acknowledgement is generated by TTS converter as this arrangement would facilitate generating acknowledgement using another well known method for user interaction.

6. Claims 6-8, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is

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(703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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